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THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

October 20, 2011

The Honorable Martin O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401-1991

RE: Senate Bill 1 of the Special Session of 2011

Dear Governor O'Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency Senate Bill 1, an emergency bill creating new districts for congressional elections based on the 2010 census. As always, in reviewing a bill passed by the General Assembly prior to its approval or veto by the Governor, we apply a "not clearly unconstitutional" standard. 93 *Opinions of the Attorney General* 154, 161, n. 12 (2008). This standard reflects the presumption of constitutionality to which statutes are entitled and the Attorney General's constitutional responsibility to defend enactments of the Legislature, while also satisfying the duty to provide the Governor with our best legal advice. *Id.* In reviewing Senate Bill 1, we have considered whether it complies with the one person / one vote requirements of Article I, § 2 of the United States Constitution and Section 2 of the Voting Rights Act, and have found no violation. We also found no reason to believe that Senate Bill 1 constitutes a racial gerrymander in violation of the Fourteenth Amendment as interpreted in *Shaw v. Reno*, 509 U.S. 630 (1993).

Under Article I, § 2 of the United States Constitution, members of the House of Representatives are elected "by the people" from single member districts "founded on the aggregate number of inhabitants of each state," Madison, *The Federalist*, No. 54 at 369. The United States Supreme Court has said that Article I, § 2 requires states to make a good faith effort to achieve precise mathematical equality." *Kirkpatrick v. Preisler*, 394 U.S. 526, 530-531 (1969). Senate Bill 1 does this. Seven of the districts contain 721,529 people, while one district contains 721,528 people. It is not possible to achieve greater population equality.

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The population figures above have been adjusted as required by the No Representation Without Population Act, Chapter 67 of 2010, which requires that prisoners be counted in the place in which they resided prior to their incarceration, rather than in the place where they are incarcerated. This shift does not violate the equal population requirement of Article I, § 2. Federal courts have generally allowed states to determine the appropriate method by which to calculate population. 94 *Opinions of the Attorney General* 125, 127-129 (2009) (collecting cases). As noted in *Burns v. Richardson*, 384 U.S. 73, 92 (1966), the Supreme Court has never suggested that “the States are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime in the apportionment base by which their legislators are distributed.” Nor have we found any basis for the conclusion that it is not permissible to count prisoners at their home districts rather than remove them from consideration altogether.¹

To pass muster under the Voting Rights Act, the plan, analyzed in light of the totality of the circumstances, must create political processes leading to nomination and election in the State that are:

equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

42 U.S.C. § 1973(b).

The Supreme Court has created a three part test that plaintiffs must meet in order to bring a successful challenge to a redistricting plan under the Voting Rights Act. *Thornburgh v. Gingles*, 478 U.S. 30, 50-51 (1986). Specifically, it is necessary to show:

¹ This method of enumerating prisoners was apparently used in the 1900 census, Nat'l Research Council, *Once, and Only Once, and in the Right Place: Residence Rules in the Decennial Census* 84-85 [Daniel L. Cork and Paul R. Voss, eds., 2006], and the reasons the Census Bureau counts prisoners where they are incarcerated now are technical rather than constitutional, U.S. Census Bureau Report: Tabulating Prisoners at Their “Permanent Home of Record” Address, pp. 10-13 (February 21, 2006). In fact, the Census Bureau released prisoner and other group quarter numbers early in this round of redistricting “so that states can leave the prisoners counted where the prisons are, delete them from the redistricting formulas, or assign them to some other locale.” Director’s Blog, United States Census Bureau, posted March 10, 2010. <http://blogs.census.gov/directorsblog/2010/03/so-how-do-you-handle-prisons.html>

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(1) that the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) that the minority group is politically cohesive; and (3) that the white majority votes sufficiently as a bloc to enable it ... usually to defeat the minority's preferred candidate.

Bartlett v. Strickland, 556 U.S. 1, 21 (2009). Meeting this test is not sufficient to establish a violation, but is necessary before the court will proceed to analyze whether a violation has occurred based on the totality of the circumstances. *Id.* at 21-22. Analysis of a plan under these factors requires complex statistical analysis. For that reason, the State engaged in a nationwide search and hired an expert in the field, Bruce E. Cain, Ph.D., Heller Professor of Political Science, University of California Berkeley, and the Executive Director of the U.C. Washington Center. A copy of Dr. Cain's Curriculum Vitae and a copy of his analysis are attached.

According to Dr. Cain's analysis, the only minority group that has sufficient population to constitute a majority of a congressional district in Maryland is African Americans. While other minorities could form a majority in combination with African Americans, attempts to show cohesion among such coalitions has been difficult across the country. It is the view of the State's expert that political cohesion could not be shown for a coalition district in this State either.

According to the United States Census Bureau numbers non-Hispanic African Americans are found throughout the State and constitute 29% of the State's population. Compact populations of African Americans are found in the Baltimore region, and also in the areas around the District of Columbia.² The current plan creates a majority African American district in each of these population centers. Each of these districts has a 53.7% non-Hispanic African American voting age population,³ and will, based on the analysis of the State's expert, enable African American voters to elect their candidates of choice. Moreover, African American voters are not packed in either district in a way that would

² The relevant geographic area for the compactness analysis is a single member district, not a county. Thus, the fact that a county has a significant minority population, or has in the past had a portion of a majority minority district, is irrelevant to this analysis.

³ This percentage is based on unadjusted data, Census 2010, P.L. 94-171 Redistricting Data (Maryland). An adjusted total for Hispanic is not available because no Hispanic designation was available for incarcerated persons.

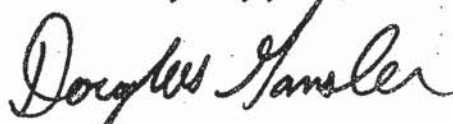
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inhibit the creation of an additional district. Even so, the population not included in either of these two districts is not, in the view of the State's expert, sufficiently compact to meet the requirements of the *Gingles* test. In the absence of compactness, the Voting Rights Act does not require the creation of an additional majority minority district simply because it is possible. *Abrams v. Johnson*, 521 U.S. 74, 90 (1997); *Johnson v. DeGrandy*, 512 U.S. 997, 1017 (1994).⁴ For these reasons, it is our view that Senate Bill 1 is in compliance with the Voting Rights Act.

It is also our view that nothing in Senate Bill 1 can be deemed an unconstitutional racial gerrymander. As discussed above, the two majority minority districts in the plan cover compact African American populations. While the 7th district is not compact overall, the shape is not due to any predominant focus on race, as prohibited under the holding of *Shaw v. Reno*, 509 U.S. 630 (1993), but to add population to the area of compact minority population and based on other considerations.

As indicated by those who participated in developing and adopting the redistricting plan, including the Redistricting Commission, the Governor, and the General Assembly, the boundaries of the newly adopted Congressional districts reflect a number of considerations, including a preference for joining communities of interest, keeping residents in their current districts, recognizing growth patterns, protecting incumbents, and partisan consideration. These factors have been recognized as permissible considerations under applicable case law. It is our view that Senate Bill 1 is not unconstitutional.

Very truly yours,

A handwritten signature in black ink, appearing to read "Douglas F. Gansler".

Douglas F. Gansler
Attorney General

DFG/KMR/kk

⁴ With respect to the other two factors, the analyses performed by the State's expert reflect that while African American voters are generally politically cohesive, there is not significant polarized voting in the areas in question.

Voting Rights Assessment of Governor's Maryland Congressional Redistricting Plan

Professor Bruce E. Cain

A valid Congressional redistricting plan must meet all federal constitutional and statutory standards. Aside from creating equally populated, contiguous districts, the state is required to adhere to the standards of the Voting Rights Act (VRA) of 1965 as amended in 1982. There are of course many other perfectly legitimate political considerations that underlie the construction of districting plans, but they are secondary to the federal criteria. It is my judgment that the Governor's 2011 Congressional redistricting plan satisfies those federal criteria.

The relevant part of the VRA for Maryland is Section 2 which prohibits voting practices and procedures that discriminate on the basis of race, color or membership in a designated language minority group. When the VRA was amended in 1982, the Congress supplemented the previous intent standard established under *Mobile v Bolden* 446 US 55 (1980) with a totality of circumstances test that essentially asked whether in the context of various considerations a standard, practice or procedure (in this case a redistricting plan) has the effect of denying a protected minority group an equal opportunity to elect a candidate of choice. The Supreme Court in reviewing the 1982 revisions developed a three prong test in *Thornburg v Gingles* 478 US 30 (1986) that all states and local jurisdictions follow when assessing their Section 2 redistricting liability. Because these tests are empirical, they are usually conducted by political scientists.

There are three questions that need to be answered under the Gingles standard: 1. is the protected minority group sufficiently large and concentrated in a reasonably compact area to constitute a majority of a district; 2. is the group politically cohesive; and 3. does it face racial polarization by the majority population? To answer the first question, I mapped the voting age population (VAP) concentrations of African-Americans, Latino and Asian-Americans using the 2010 Census data, and determined whether there are reasonably compact voting age (VAP) concentrations of those groups that would be sufficient to constitute a majority of the ideal population (721,259) for a Maryland Congressional district.

There has been significant growth in Maryland's minority populations, particularly in Prince George's and Montgomery counties, both of which are now majority minority in population. Not all of this growth translates into political strength especially in the Latino population, as non-citizenship and a large Under 18 population share make many ineligible to vote. Unfortunately, there are no reliable estimates of citizenship, so we must rely on voting age population (VAP) as the best proxy. In my judgment, despite the impressive growth of the Latino and Asian American populations, neither has yet

reached the critical 50% VAP threshold for Congressional sized districts required by the law although they may in the next census.

The African-American case, however, is different. I determined that there are sufficient, reasonably compact concentrations in both the Baltimore and Prince George's/Montgomery County areas to create two majority black VAP Congressional districts. This is reflected by the creation of two majority African-American VAP districts (CDs 4 and 7) in the Governor's 2011 Congressional Redistricting Plan. But given the growth in the African-American population, I next explored whether there is sufficient population in a reasonably compact concentration to create a third majority black district. My conclusion is that there is not.

I explored a number of possible alternatives but I found there was simply no way to create a third majority black voting age population district in the Prince George's/Montgomery area or Baltimore and its suburbs area while maintaining two other African-American majority VAP seats. With one exception, this seems to have been also the judgment implicit in all the third party plans, including from a former Justice Department official on behalf of the Legislative Black Caucus. The one exception is the Fannie Lou Hamer PAC Plan that addresses the problem with a new barbell district that links black populations in the Baltimore area in the north with the Prince George's/Montgomery/Anne Arundel areas in the south with a narrow corridor through the intervening predominantly white areas. But such solutions substantially raise the risk of a so-called Shaw violation.

Faced with increasingly contorted attempts to maximize minority representation, the Supreme Court in a series of decisions beginning with *Shaw v Reno* 509 US 630 (1993) put limits on attempts to redistrict affirmatively. The resulting standard from these cases is that race can be taken into consideration but it should not be the exclusive or predominant consideration. Districts like the disputed majority black district in the *Shaw v Reno* case that link disparate black populations with narrow corridors to avoid white populations have been ruled unconstitutional. Districts drawn predominantly along racial lines invite a strict scrutiny review by the courts and significantly raise the odds of a Congressional plan being overturned on review. Given the geographic distribution of Maryland's African-American community and the heavy and suspect racial tailoring needed to create a potential third majority black VAP district, it is my view that the state was not required to do so.

The second step in the Gingles test is whether groups are politically cohesive. This judgment is based on analysis of past voting and survey returns as well as the scholarly literature on racial and ethnic voting tendencies. The evidence is clear in Maryland and elsewhere that African-Americans are a politically cohesive group. The same is likely true of Latinos based on national data, but the track record in Maryland is not very extensive yet. The national evidence on Asian-Americans is more mixed as a number of studies have revealed important differences based on historical tensions and socio-economic disparities between different Asian-American nationalities. Given that neither the Latino nor Asian-American populations have yet attained the threshold majority VAP level required for Congressional districts, it was not necessary to explore this question with respect to those groups in Maryland further at this time.

I also considered whether the state is compelled to create a new majority-minority VAP coalitional seat. The Governor's plan has already created a number of coalitional seats, including 2 that are already majority minority, 4 that are over 30% minority, 1 of which is over 40% minority and will likely be majority minority by the end of the decade. In short, it is likely that there will likely be a third majority-minority VAP coalitional congressional district before the next redistricting. The relevant legal question with whether the state is compelled to create another one right now.

It is important that we separate the political merits of different types of coalitional seats from the legal requirement to draw an additional 50% majority minority VAP district. The former is a political judgment. The latter requires meeting the Gingles tests. Proving that coalitional groups are sufficiently politically cohesive under the VRA has been difficult across the country. The original framework of the VRA was devised in a primarily biracial setting. The new diversity challenges the old framework in many important ways, particularly when different protected minority groups have competing claims in the same territory. The Gingles framework requires that coalitions have the same levels of cohesion that single minority groups have, and that is typically very hard to prove.

The normal method is to look at a number of elections that feature white v nonwhite and nonwhite v nonwhite candidates in primary and nonpartisan elections (to control for the effects of partisanship), and to link this with demographic data. As a preliminary analysis, I mapped the political returns and compared them with the demographic data and then ran multivariate regressions testing for detectable racial patterns in the 2008 Democratic Presidential Primary and for the 2008 General Election controlling for party. They basically confirm what the national survey data showed as well, which is that Hispanics as well as certain segments of the white population were considerably and statistically significantly less likely than African-Americans to support Barack Obama in both the primary and general election. This led me to conclude that it would be very hard to argue that African-Americans and Hispanics vote as a sufficiently cohesive political bloc to satisfy that prong of the Gingles test.

I would also add in California, a state that I have studied extensively, coalitions between African-Americans and Latinos have been quite unstable. When Latinos become sufficiently large to constitute a majority, they have preferred to solidify the prospects of electing a candidate of their choice and not of the African-American community. Tensions between the two groups have also come out in recent LA Mayoral races and in ballot measures over English as a second language and state benefits for undocumented Latinos.

The issue of a multi-racial coalition ties into the third prong of the Gingles test: i.e. whether white voters vote in a racially polarized way against African-American candidates. I base my conclusions on my preliminary examination of voting patterns in Maryland. I also attended the redistricting hearings in Prince George's and Montgomery Counties (areas of the most significant nonwhite racial growth), and the testimony at the October Special Legislative Session on October 17. Based on my own analysis, the testimony I heard, and the relevant academic literature, I believe that there is no simple generalization about white voting behavior in Maryland: white voters as a group are neither universally polarized nor completely post-racial.

The Maryland 2008 returns show high levels of support for Obama in both the primary and general elections in white urban and suburban areas such as Montgomery and Prince George's Counties and lower support in rural areas at the western end of the state and the Eastern shore. In the testimony I heard, there were numerous individuals in Montgomery County especially (including the African-American who had been elected as the County Executive Isiah Leggett, who believed that there significant numbers of white voters who would support African-American candidates.

From the regressions I have undertaken, I would characterize the level of polarization as moderate: enough to warrant protections but not so great as to exclude many white areas from the multi-racial coalitions. Moreover, as I mentioned before, at least in 2008, Hispanic voting patterns more closely resembled non-Hispanic whites than African-Americans and Asian-Americans.

An additional consideration about the merits of majority minority VAP coalitions versus coalitions that include supportive white populations in Maryland is demographic and relates to the "one person, one vote" rationale that is the reason for undertaking the difficult task of redistricting in the first place. Different coalitional combinations will have varying implications for population growth in the district over the decade. The spirit of the "one person, one vote" decisions is to try to equalize the weight of every vote by giving all the districts the same population. Placing faster growing populations together can cause district populations to grow out of balance more quickly over the decade than combining them with slower growing populations. Thus, a policy of systematically combining fast growing Latino areas in Montgomery County with fast growing African American areas could lead to greater mal-apportionment over the decade.

In sum, for all the reasons stated above, I find the Governor's Maryland Congressional Redistricting Plan meets the conditions of Section 2 of the Voting Rights Act.

**Curriculum Vitae
BRUCE EDWARD CAIN**

Personal:

Date and Place of Birth: November 28, 1948
Boston, Massachusetts

Home and Work Address: UC, Washington Center
1608 Rhode Island Ave. N.W.
Washington, DC 20036

Office Telephone: 202-974-6202

Education:

B.A. Bowdoin College, Brunswick, Maine, 1970
B.Phil. Oxford University, Oxford, England, 1972
Ph.D. Harvard University, Cambridge, Massachusetts, 1976

Honors and Awards:

Summa Cum Laude with High Honors in History, Bowdoin College, 1970
Rhodes Scholar, Trinity College, Oxford, England, 1970-1972
Richard F. Fenno Prize, 1988 (co-winner with J. A. Ferejohn and M. Fiorina)
ASCIT Award for Excellence in Teaching, 1988
Elected to the American Academy of Arts and Sciences, 2000
Zale Award for Outstanding Achievement in Policy Research and Public Service, Stanford University, 2000
Distinguished Research Mentoring of Undergraduates Award, College of Letters and Science, University of California, Berkeley, 2003
The American Political Science Association and Pi Sigma Alpha (The National Political Science Honor Society), award for outstanding teaching in Political Science, 2003.

Academic Experience:

Heller Professor of Political Science, University of California, Berkeley, 2006-
Executive Director, UC, Washington Center, 9/1/05-present
Director, Institute of Governmental Studies, University of California, Berkeley, California, July, 1999-2007
Acting Director, Institute of Governmental Studies, University of California, Berkeley, California, 1997-99
Robson Professor of Political Science, University of California, Berkeley, California, 1995-2006
Professor of Political Science, University of California, Berkeley, California, 1989-
Associate Director, Institute of Governmental Studies, University of California, Berkeley, California, 1989-99

Visiting Professor, University of California, Los Angeles, Los Angeles, California, Fall, 1987
Professor of Political Science, California Institute of Technology, Pasadena, California, 1986-1989

Associate Professor of Political Science, California Institute of Technology, Pasadena, California, 1983-1986

Assistant Professor of Political Science, California Institute of Technology, Pasadena, California, 1976-1982

Government, Media and Consulting Experience:

Expert Witness, *Pasadena at-large election case*, 1980; *Badham v. Eu*, 1984; *Service Employees International Union, AFL-CIO, CLC et al. v. FPCC*, 1990; *City of New York et al. v. U.S. Department of Commerce*, 1992; *Smith v. Regents of the University of California et al.*, 1995; *California Democratic Party v. Bill Jones*, 1997; *California Pro-Life Council, Inc. v. Karen Getman et al. and Bill Lockyer*, 2004; *New York State Board of Elections: Neil W. Kelleher, Carol Berman, Helena Moses Donohue, and Evelyn J. Aquila*, 2004.

Special Consultant, California Assembly Special Committee on Reapportionment, January-December, 1981 (while on leave); Consultant, part time, 1982

Member, Academic Task Force for Southwest Voter Registration Drive, 1983

Election Commentator, KFWB, 1984; KCBS, 1989, 1990, 1992, 1994, 1996, 1998, 2000; KTVU, 1990, 1998, 2000, 2002, 2004, 2006; KQED, 1992, KGO-TV 2008, 2010

Consultant, *Los Angeles Times*, 1986-1988

Redistricting Consultant, Los Angeles City Council, 1986; Attorney General of the State of Massachusetts, 1987-88; U.S. Justice Department, 1989; Los Angeles County, 1991; Oakland City Council, 1993; San Diego Citizens Commission on Redistricting, 2001; City and County of San Francisco, 2002; Special Master for three judge panel, Arizona State Legislative Redistricting, 2002; Maryland Attorney General's Office, 2011.

Polling Consultant, Fairbank, Canapary and Maullin, 1985-86

Member, Contra Costa Charter Commission, 1997-98

Political Analyst, Mornings on Two, KTVU, 1998-2006, KGO-TV 2007-

Advisor, American Law Institute (ALI) Project on Resolution of Election Disputes 2011-

Courses Taught:

Introduction to American Politics (undergraduate)

Congress (undergraduate and graduate)

American Electoral process (undergraduate and graduate)

Justice and Obligation (undergraduate)

Democratic Theory (undergraduate)

California Politics (undergraduate)

Campaign and Elections (undergraduate)

Ethics and Politics (undergraduate)

Political Regulation (undergraduate and graduate)

Professional Activities/Memberships:

Member, APSA 1976-present

Member, American Academy of Arts and Sciences 2000-present

Member, AFTRA 1996-present

Editorial Board, American Journal of Political Science, 1985
Editorial Board, Legislative Studies Quarterly, 1989-1991
Editorial Board, Election Law Journal 2005-present
Editorial Board, American Politics Research, 2006-present

University Service:

• **Caltech**

Upperclass Admissions Committee, 1977-78
Undergraduate Academic Standards and Honors Committee, 1979-1983
Health Committee, 1979-1985; Chairman, 1980-1985
Athletics Committee, 1982-1989; Chairman, 1985-1989
Faculty Board, 1983-1986
Steering Committee, 1984-1986
Nominating Committee, 1984; Chairman, 1985
Accreditation Committee, 1984
Advisory Committee on SURF Fellowships, 1984-1989
Freshman Admissions, 1985; Vice Chairman, 1986-87
Ad Hoc Committee on Admissions Procedures, Chairman, 1985
Faculty Advisory Committee for Selection of Caltech President, 1986-87
Academic Freedom and Tenure Committee, 1986-87
Vice Chairman of the Faculty Board, 1987-1989
Administrative Committee on Affirmative Action, Chairman, 1988-89
Freshman Advisor, 1978-1989
SURF Advisor, 1980, 1984, 1986-1988

• **University of California at Berkeley**

Academic Freedom Committee, 1990; Chairman, 1991
Committee on Academic Planning and Resource Allocation, 1992; Chairman, 1993-1995
Resource Generation Working Group, 1992-93
Academic Planning Board, 1993-1995
Business and Administration Services Working Group, Co-Chairman, 1993-1995
Economics Review Panel, Chairman, 1993
U.C. Press Editorial Board, 1996-1998
U.C.T.V., 2007-present

General Areas Of Interest:

Fields: American Politics; Democratic Theory; State and Local Government
Topics: Representation in Anglo-American systems; electoral institutions, legislatures, and parties; normative issues related to representation, political reform and regulation

Grants Awarded:

National Science Foundation, *Voting Behavior in Contemporary Legislative Elections* (with John A. Ferejohn and Morris P. Fiorina), July, 1978, to July, 1980.
National Science Foundation, *Voting Behavior in Contemporary Legislative Elections* (with John A. Ferejohn and Morris P. Fiorina), August, 1980, to August, 1982.
Seaver Foundation, *Ethnic Minorities in California: The New Coalitional Politics* (with D. Roderick Kiewiet), January, 1984, to December, 1985.

California Policy Seminar (Technical Services Grant), *Improving Data Collection on City Expenditures*, January-August, 1990.
Research Services Grant from Assembly Committee on Elections, *Reapportionment and Constitutional Amendments*, May 1, 1991, to January 31, 1992.
California Policy Seminar, *California Constitutional Reform*, 1993-1995.
State Assembly, *Statewide Database*, 1993-present.
Bay Area Library and Information Systems, *Determinants of Library Referendums*, 1995.
Public Policy Institute of California, *Race Relations and Neighborhood Context in California*, 1997.
Bipartisan Commission, *A Review of the Political Reform Act*, 1999-2000.
California Policy Seminar (Technical Services Grant)-Term Limits, 2001.
Pew Charitable Trusts, Center for Campaign Leadership, 2001-2003.
Public Policy Institute of California, *Adaption to Term Limits: Recent Experiences & New Directions*, 2002-2003.
James Irvine Foundation, "Redistricting Reform in California," 2005.
JEHT Foundation, "State Legislative Redistricting Reforms," 2005
Russell Sage Foundation, "Learning, Civic Engagement: Political Socialization in Mexican-Origin Families with Mixed Citizenship Status," 2006.
California Secretary of State, "State-wide Survey of Poll Workers on Training Needs," 2006.

PUBLICATIONS

Books and Monographs:

The Reapportionment Puzzle. Berkeley: University of California Press, 1984.
The Personal Vote (with John A. Ferejohn and Morris P. Fiorina). Cambridge: Harvard University Press, 1987.
Congressional Redistricting (with David Butler). New York: Macmillan, 1992.
Developments in American Politics, co-edited with Gillian Peele and Christopher Bailey. Houndmills: Macmillan, June, 1992.
Developments in American Politics II, co-edited with Gillian Peele, Christopher Bailey, and B. Guy Peters. Houndmills: Macmillan, 1994.
Constitutional Reform in California: Making State Government More Effective and Responsive, co-edited with Roger Noll. Berkeley: IGS Press, 1995.
Governing California: Politics, Government and Public Policy in the Golden State, co-edited with Gerald Lubenow. Berkeley: IGS Press, 1997.
Developments in American Politics III, co-edited with Gillian Peele, Christopher Bailey and B. Guy Peters. Houndmills: Macmillan, 1998.
Racial and Ethnic Politics in California, Vol. II, co-edited with Michael Preston and Sandra Bass. Berkeley: IGS Press, 1998.
Ethnic Context, Race Relations and California Politics, with Jack Citrin, and Cara Wong, San

Francisco: Public Policy Institute of California, 2000.

Voting at the Political Fault Line: California's Experiment with the Blanket Primary, co-edited with Elisabeth R. Gerber, The University of California Press, 2002.

Developments in American Politics IV, co-edited with Gillian Peele, Christopher Bailey, and B. Guy Peters, Houndmills: Palgrave Macmillan, 2002.

Democracy Transformed?: Expanding Political Opportunities in Advanced Industrial Democracies, co-edited with Russ Dalton and Susan Scarrow, Oxford University Press, 2003.

The Season of Our Discontent: Voters' Views on Improving California Elections, Mark Baldassare, Bruce E. Cain, D. E. Apollonio, and Jonathan Cohen, Public Policy Institute of California, monograph, 2004.

Adapting to Term Limits, Bruce E. Cain, Thad Kousser, Public Policy Institute of California Monograph, 2004.

Party Lines: Competition, Partisanship and Congressional Redistricting, Thomas Mann, Bruce E. Cain, eds., Washington, DC, Brookings Institution, 2005.

Developments in American Politics V, co-edited with Gillian Peele, Christopher Bailey, B. Guy Peters, Houndmills: Palgrave Macmillan, 2006.

Clicker Politics: Essays on the California Recall, Shaun Bowler and Bruce E. Cain, eds., New Jersey: Pearson Prentice Hall, 2006.

Institutional Change in American Politics: The Case for Term Limits, Karl T. Kurtz, Bruce E. Cain, Richard G. Niemi, eds., Ann Arbor: University of Michigan Press, 2007.

Democracy in the States: Experiments in Election Reform, co-edited with Todd Donovan and Caroline Tolbert, Washington D.C: Brookings Press, 2008.

Racial and Ethnic Politics in California: Continuity and Change, Volume 3, co-edited with Sandra Bass, Berkeley: Berkeley Public Policy Press, 2008.

Developments in American Politics VI, co-edited with Gillian Peele, Christopher Bailey, B. Guy Peters, Houndmills: Palgrave Macmillan, 2010.

Articles and Chapters:

"Dynamic and Static Components of Political Support in Great Britain," *American Journal of Political Science*, Vol. 22, No. 4, November, 1978.

"Strategic Voting in Great Britain," *American Journal of Political Science*, Vol. 22, No. 3, August, 1978.

"Modes of Rationality and Irrationality," (with W. T. Jones), *Philosophical Studies*, November, 1979.

"The House is Not a Home: MPs and Their Constituencies," (with John A. Ferejohn and Morris P. Fiorina), *Legislative Studies Quarterly*, November, 1979.

"Challenges and Responses in British Party Politics," *Comparative Politics*, Vol. 12, No. 3, April, 1980.

"A Comparison of Party Identification in Great Britain and the United States," (with John A. Ferejohn), *Comparative Political Studies*, Vol. 14, No. 1, April, 1981.

"Assessing Constituency Involvement: The Hemel Hempstead Experience," (with David B. Ritchie), *Parliamentary Affairs*, Vol. 35, No. 1, Winter, 1982.

"Blessed Be the Tie that Unbinds: Constituency Pressures and National Party Forces in Great Britain," *Political Studies*, Vol. 31, 1983.

"The Constituency Component: A Comparison of Service in Great Britain and the United States," (with John A. Ferejohn and Morris P. Fiorina), *Comparative Political Studies*, Vol. 16, No. 1, April, 1983.

"The Constituency Service Basis of the Personal Vote for U.S. Representatives and British MPs," *American Political Science Review*, Vol. 78, 1984, pp. 110-125; reprinted in *Controversies in American Voting Behavior*, Rev. Edition (with John A. Ferejohn and Morris P. Fiorina), Richard Niemi and Herbert Weisberg, eds. Washington, D.C.: Congressional Quarterly Press, 1984.

"Ethnicity and Electoral Choice: Mexican-American Voting Behavior in the California 30th Congressional District," *Social Science Quarterly*, Vol. 65, No. 2, June, 1984; reprinted in *The Mexican-American Experience: An Interdisciplinary Anthology* (with D. Roderick Kiewiet), de la Garza et al., eds., Austin, Texas: University of Texas Press, 1985.

"Assessing the Partisan Effects of Redistricting," *American Political Science Review*, Vol. 79, No. 2, June, 1985, pp. 320-333.

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"Simple Versus Complex Criteria for Partisan Gerrymandering," *UCLA Law Review*, Vol. 33, October, 1985.

"A Comparison of British and American Redistricting," (with David Butler), *Electoral Studies*, Vol. 4, No. 3, 1985, pp. 197-213.

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